

MAINE STATE LEGISLATURE

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(Approved during George West's absence)

STATE OF MAINE

Inter-Departmental Memorandum Date 27 February 1970

To Henry R. Tobin, Chairman

Dept. Board for Licensing Hearing Aid Dealers
and Fitters

From Courtland D. Perry, Assistant Atty. Gen'l.

Dept. Mental Health and Corrections

Subject Practices Authorized to be Engaged in by Person Holding Trainee Permit

SYLLABUS:

As part of the schooling and training of a person holding a trainee permit under 32 M.R.S.A. §1658-G, he may engage in all practices falling within the definition of fitting, but such schooling and training shall not be in direct selling of hearing aids. A licensed hearing aid dealer and fitter shall be responsible for supervising all practices engaged in by the trainee during his schooling and training, and such licensed person shall maintain adequate personal contact with the trainee.

FACTS:

This office has been requested by the Chairman of the Board for Licensing Hearing Aid Dealers and Fitters to render its opinion relative to the scope of activity authorized to be engaged in by a person holding a trainee permit under 32 M.R.S.A. Chapter 23-A.

QUESTION:

Is the activity of a trainee for licensure as a hearing aid dealer and fitter restricted to testing for loss of hearing?

ANSWER:

No.

REASON:

32 M.R.S.A. §1658-G, provides as follows:

"After January 1, 1970 an applicant who fulfills the requirements regarding age, character and education as set forth in section 1658-F, subsection I, may obtain a trainee permit upon application to the department. Previous experience or a waiting period shall not be required to obtain this trainee permit.

"Upon receiving an application as provided under this section and accompanied by a fee of \$25, the department shall issue a trainee permit which shall entitle the applicant to schooling and training in the fitting of hearing aids but not in the direct selling of hearing aids. A person holding a valid hearing aid dealer's and fitter's license shall be responsible for the supervision and training of such applicant and maintain adequate personal contact.

"A person who holds a temporary trainee permit under this section

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must successfully pass the licensing examination within a 90-day period from the date of issuance. He shall be issued a license upon payment of a \$75 fee."

Under the above statute a trainee may be involved in schooling and training relative to fitting hearing aids. Fitting under 32 M.R.S.A. §1658, subsec. 5, includes the measurement of human hearing by use of an audiometer or by any other means, solely for the purpose of making selections, adaptations, or sale of hearing aids. Fitting also includes making impressions for ear molds.

A person holding a trainee permit, in our opinion, may engage in every practice ordinarily engaged in by a licensed hearing aid dealer and fitter within the definition of "fitting" as part of his training and schooling, subject to the proviso that his schooling and training not be in direct selling and subject to the further proviso that a licensed hearing aid dealer and fitter be responsible for supervising all practices engaged in by the trainee, and that in the exercise of such supervision the licensed hearing aid dealer and fitter shall maintain adequate personal contact. It is clear, therefore, that during the training process the licensed hearing aid dealer and fitter is responsible for the actions of the trainee. Although, testing would appear to be a large part of training activity, practices within the definition of "fitting" encompass more than merely testing. Placement of a hearing aid on the person of a client for the purpose of determining its appropriateness in satisfying the needs of such client, subject to the supervision of the licensed hearing aid dealer and fitter, is considered to be appropriately within the authorized activity of a trainee.

Courtland D. Perry
Assistant Attorney General